

By Phil Mayer
Star-Bulletin Writer

The U.S. Supreme Court "certainly" will be asked to reconsider its recent decision upholding Hawaii's Land Reform Act, which forces large landowners to sell properties they lease to owners of single-family homes.

David Callies of the University of Hawaii law school adds the reconsideration move will come when "any other state legislature or city council" passes a law similar to Hawaii's controversial Land Reform Act.

When such a new law is appealed by other landowners, he said, "We will see if the court really means what it says."

He was one of three panelists who discussed the act and the Supreme Court's decision at a forum yesterday at Hemenway Theater on the University of Hawaii-Manoa campus.

The session, which was sponsored by the UH ethnic and Hawaiian studies departments, was attended by about 150 people, many of them leaseholders.

Callies said the Supreme Court was "unanimously wrong" in what has come to be known as the Bishop Estate case. He predicted the passage of such new laws by other states is "inevitable."

ALSO TRIGGERING a high court review, Callies said, may be a dissent by Rose Bird, the chief justice of the California Supreme Court, in a case involving the city of Oakland's attempt to condemn the professional football team that is now the Los Angeles Raiders in order to keep the team in Oakland.

Bird said the other members of the court were wrong when they ruled that Oakland could make the present owner of the Raiders sell to someone who would not move the team out of Oakland.

She said the City of Oakland lacked an upholdable public purpose and that such condemnation would not be the same as taking private property on which to build a highway.

If the majority's opinion were to be protested to the U.S. Supreme Court, Callies said, "Her dissent would have to be considered — after all she's a very important judge."

Bishop Estate attorneys had argued unsuccessfully that the Hawaii Land Reform Act was unconstitutional because, Callies says, it forces one set of private individuals to sell assets to other private persons without any showing that the public interest is served.

UH Law Professor Predicts Review of Land Act Decision

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ALTHOUGH CHALLENGES

are coming, he said he doubts that the U.S. Supreme Court will change its position in the Bishop Estate case, although it might prevent the precedent in the case from being applied to owners of condominiums and business property.

"I think the estate has correctly decided that the way to alter the situation is to get the Legislature to do it," he said.

Neil Hannahs, director of public affairs for Bishop Estate and its sole beneficiary, the Kamehameha Schools, said the estate's trustees are already talking to legislators.

But he indicated the estate would return to the U.S. Supreme Court if possible, "because we have to do all that we can to prevent the implementation of this decision."

He said the estate has to be guided by, among other things,

"what happened when the Lunalilo Estate decided to sell its property and rely for income on investments, which is what we are supposed to do."

Hannahs said the Lunalilo Estate was as large as Bishop Estate "at the turn of the century when its trustees sold its land in order to buy stocks and bonds."

"At present," he said grimly, "The (Lunalilo) estate has barely enough income to maintain the home it runs for 80 aged Hawaiians."

BUT UH geography professor Gary Fuller, who also is an adviser to several groups of homeowners who want to buy their leasehold land, said the "only thing that prevents public outrage against the Bishop Estate is that the public doesn't understand the situation."

He said that, for example, "the estate now wants to be allowed

to sell land in Enchanted Lake that was once worth 10 cents a square foot for \$8 a square foot."

Fuller said that "land reform to broaden ownership of land isn't anything new."

Even in Japan, at the close of the Meiji Era and again at the start of the American occupation at the end of World War II, privately held lands were redistributed to private owners, as a means of producing "greater (po-

litical and social) equity."

He said land reform has come late to Hawaii, perhaps because so many other social improvements other than land reform were accomplished earlier.

He termed the current Hawaii Land Reform Act "watered down" — partly because it does not involve agricultural land when compared with measures implemented in places in which, like Hawaii, most land is held "by the few."

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